

REMARKS

Claims 15-38 were pending in the present application before this preliminary amendment as set forth above. By the amendment, claims 15, 22, 31 and 33 are amended. These amendments were not presented earlier because applicant genuinely believed that the previously presented claims were in condition for allowance.

In the February 24, 2009 Office Action, the Primary Examiner rejected claims 15-38 under 35 U.S.C. §103(a) as being unpatentable over Fukushima (JP 2002-020576).

Applicant very appreciates the Primary Examiner's careful review of the present application.

In response, as set forth above, independent claims 15, 22, 31 and 33 have been amended for better form. Specifically, each of independent claims 15, 22, 31 and 33 has been amended to define the nonpolar α -olefin monomer. Support for the amendments can be found in, for example, paragraph from page 4, lines 33-34 through page 5, lines 1-11, and paragraph from page 39, lines 26-34 through page 40, lines 1-4 of the specification. Reference example 5 (polypropylene A); Reference example 7 (polypropylene B), Reference example 8 (polypropylene C), and Examples 6, 8 and 9 (polypropylene E) also support the amendments. Therefore, no new matter has been introduced by the amendments.

It is now believed that the application is in condition for allowance at least for the reasons set forth below and such allowance is respectfully requested.

The following remarks herein are considered to be responsive thereto.

Independent claims 15, 22, 31 and 33, as amended, each recites, among other things, a combination of a first feature of "***a monomer mixture in which 10 to 90 wt% of methoxyethyl acrylate, 5 to 85 wt% of alkyl acrylate, 5 to 15 wt% of acrylonitrile, and 0.1 to 10 wt% of allyl methacrylate are contained as main ingredients***" and a second feature of "***the nonpolar α -olefin monomer forming the olefin homo/co-polymer segment is one of an ethylene-propylene block copolymer with ethylene content of 10 wt% or less and an ethylene-propylene random copolymer with ethylene content of 5 wt% or less.***"

According to the first feature, oil resistance, heat resistance, mechanical properties, and moldability possessed by the acrylic rubber are exhibited in the olefinic thermoplastic elastomer

in a well-balanced manner as discussed in paragraph bridging pages 12 and 13 of the specification.

Furthermore, according to the second noted feature, oil resistance of the olefinic thermoplastic elastomer is remarkably improved as discussed in paragraph from page 39, lines 26-34 through page 40, lines 1-4 of the specification.

As will be discussed below, applicant respectfully submits that the combination of the noted features is a patentable distinction over Fukushima.

Regarding the first noted feature, Fukushima does not disclose, teach or suggest the amount of each component specified in the first noted feature. Fukushima states in paragraph [0038] that

As these amounts of copolymerization, 40% or less of the weight is desirable in the monomer which forms acrylic rubber, and 30 or less % of the weight is still more desirable.

However, the amounts stated in paragraph [0038] of Fukushima are not for methoxyethyl acrylate, alkyl acrylate or allyl methacrylate. Rather, the amounts stated in paragraph [0038] of Fukushima are only for additives, such as acrylonitrile. Fukushima fails to disclose, teach or suggest the specific amounts of methoxyethyl acrylate, alkyl acrylate and allyl methacrylate. Hence, the first noted feature is a patentable distinction over Fukushima.

Regarding the second noted feature, Fukushima does not disclose, teach or suggest “***the nonpolar α -olefin monomer forming the olefin homo/co-polymer segment is one of an ethylene-propylene block copolymer with ethylene content of 10 wt% or less and an ethylene-propylene random copolymer with ethylene content of 5 wt% or less.***” Neither the ethylene content in the copolymer as claimed nor that the ethylene content in the copolymer that remarkably improves oil resistance varies according to the type (structure) of the copolymer is disclosed, taught or suggested by Fukushima. Thus, the advantage of claims 15, 22, 31 and 33 is not expectable from Fukushima. Further, the second noted feature is also a patentable distinction over Fukushima.

Therefore, independent claims 15, 22, 31 and 33 are patentable over Fukushima. Claims 16-21, 23-30, 32, and 34-38 depend from now allowable amended claims 15, 22, 31 and 33, respectively, and thus are also patentable over Fukushima at least for this reason.

In view of the foregoing discussion, applicant respectfully submits that the rejections to claims 15-38 are improper. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicant respectfully submits that the foregoing Amendment and Response place this application in condition for allowance. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 404-495-3678.

Respectfully submitted,

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